

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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COLBECK CAPITAL MANAGEMENT;

Third-Party Movant,

v.

ORACLE INTERNATIONAL
CORPORATION, a California corporation; and
ORACLE AMERICA, INC., a Delaware
corporation,

Respondent.

Case No. 3:16-cv-543-LRH-CWH

Underlying Litigation:
Case No. 2:14-cv-1699-LRH-CWH

ORDER

Before the court is respondents Oracle America, Inc. and Oracle International Corporation's (collectively "Oracle") motion for reassignment of action to Magistrate Judge Peggy Leen. ECF No. 26. Third-party movant Colbeck Capital Management ("Colbeck") filed an opposition to the motion (ECF No. 45) to which Oracle replied (ECF No. 47).

This action was initiated by Colbeck in response to a subpoena issued in the underlying litigation between Oracle and Rimini Street, Inc. ("Rimini") in case no. 2:14-cv-1699-LRH-CWH. Magistrate Judge Leen was originally assigned as the magistrate judge in the underlying litigation. However, after the appointment of Attorney West Allen, counsel for Rimini, to chairperson of the merit selection panel considering Magistrate Judge Leen's reappointment as a magistrate judge, Magistrate Judge Leen recused herself from that action to avoid any appearance of conflict arising from Allen's appointment. Magistrate Judge Carl Hoffman was then assigned as the magistrate judge for that action. After Colbeck initiated the present

1 litigation, Magistrate Judge Hoffman was similarly assigned as the magistrate judge in this
2 action.

3 The court has already addressed Oracle's similar motion for reassignment of the
4 underlying action to Magistrate Judge Leen and found that reassignment was not appropriate
5 because Magistrate Judge Leen's recusal was "for all further proceedings" in the underlying
6 action and that judicial recusal is a final act. *See* ECF No. 328, case no. 2:14-cv-1699-LRH-
7 CWH. Because the underlying action is not reassigned, this action shall likewise stay with
8 Magistrate Judge Hoffman. Therefore, the court shall deny Oracle's motion for reassignment.

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10 IT IS THEREFORE ORDERED that respondents' motion for reassignment (ECF No. 26)
11 is DENIED.

12 IT IS SO ORDERED.

13 DATED this 16th day of November, 2016.

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16 LARRY R. HICKS
17 UNITED STATES DISTRICT JUDGE
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